



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
1009 Main Street
Tewksbury, MA 01876**

Jonathan Parker, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Anthony Ippolito

**Meeting Minutes
January 6, 2016**

The meeting was called to order by Jonathan Parker, Chairman, at 7:00 p.m. at the Town Hall, 1009 Main Street. In attendance were Anthony Ippolito and Dennis Sheehan. Also in attendance was Melissa Johnson, Recording Secretary.

Kyle Boyd, Conservation Agent, was not in attendance.

Approval of Meeting Minutes – December 16, 2015

MOTION: Mr. Ippolito made the motion to approve the December 17, 2015 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 5-0.

A) Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997

Mr. Parker noted that there is no present for this matter and suggested tabling to the end of the agenda.

MOTION: Mr. Ippolito made the motion to table Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997 to the end of the agenda; seconded by Mr. Sheehan and the motion carried 5-0.

B) Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP #305-998

Mr. Parker noted that this matter will be continued to January 20, 2016.

MOTION: Ms. Linder made the motion to continue Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP #305-998 to January 20, 2016 at 7:02 p.m.; seconded by Mr. Ippolito and the motion carried 5-0.

C) Notice of Intent, Marc Tortorici, 390 Kendall Road, Map 79, Lot 74, DEP #305-0999
Present was Marc Tortorici. Mr. Tortorici noted that the matter was continued at the previous hearing pending the DEP number. The DEP number has since been issued: 305-0999.

Ms. Linder noted that she was not present at the previous meeting; however, she did review the meeting notes and agrees with Mr. Boyd that a buffer of plantings should be done and asked if this had been added to the plan. Mr. Tortorici explained that it has not been put on the plan as it is something that Mr. Boyd mentioned at the previous meeting.

Mr. Tortorici noted that they are in agreement with this. Ms. Linder suggested the applicant consult with Mr. Boyd on the types of plantings, exact locations, etc.

Discussion took place on the size of the buffer and Ms. Linder suggested 10 feet of plantings. Mr. Tortorici agreed to this and noted that he is willing to put whatever vegetation the Commission and Mr. Boyd see fit.

Mr. Deackoff suggested straw waddles be used rather than hay bales.

Mr. Parker opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Deackoff made the motion to close the public hearing; seconded by Mr. Ippolito and the motion carried 5-0.

MOTION: Mr. Ippolito made the motion to approve, Notice of Intent, Marc Tortorici, 390 Kendall Road, Map 79, Lot 74, DEP #305-0999, standard order of conditions, erosion controls shall be straw waddles and should be used as a buffer line for the plantings, the plantings shall be done along the slope, the applicant shall consult with Mr. Boyd on the types plantings; seconded by Mr. Ippolito and the motion carried 5-0.

D) Notice of Intent, Joao Tavares, 2 Ferncroft Road, Map 31, Lot 24, DEP #305-

Present was Patrick Bernier, Wetland Scientist, and the homeowner, Marco Tavares. Mr. Bernier showed the members a plan of the site and explained that the proposal is for an addition. A small portion of which; approximately 4x6, is within the no build zone. Mr. Bernier noted that there is an intermittent stream which is technically a drainage ditch that is no longer functioning. The ditch used to flow under Whipple Road and into the pond and has been blocked by the town. Mr. Bernier noted that there are no bordering vegetated wetlands on the site; there is only the ditch. The ditch holds water and then infiltrates. Mr. Bernier explained that they are calling it an intermittent stream and Mr. Boyd has agreed.

Mr. Bernier explained that the location where the addition is being proposed is currently all lawn. It is also lawn right up to the ditch and there is no slope from the house to the stream. Mr. Tavares and Mr. Boyd did the calculation for the impact on the 25 foot buffer and it is approximately 7%. Mr. Bernier noted that the applicant is willing to do plantings as compensatory mitigation for this if required.

Ms. Linder asked if there is a way to reduce the size of the addition or move it closer to the Whipple Road section of the home. Mr. Tavares explained that the building setback lines would not be met if the addition were to be relocated. Mr. Tavares explained that the proposal is for two bedrooms as his father requires his own room due to an illness that prohibits him from sleeping in the same room as his mother. Mr. Tavares explained that he met with the Building Department on this as well. Ms. Linder suggested a wetland mix be used along the ditch area and work with Mr. Boyd on this.

Mr. Deackoff suggested some plantings to go along with the current plantings (pine bushes, hydrangeas, etc.) as opposed to the wetland mix as the area is currently lawn.

Mr. Parker opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Ippolito made the motion to close the public hearing; seconded by Mr. Sheehan and the motion carried 5-0.

MOTION: Mr. Deackoff made the motion to approve Notice of Intent, Joao Tavares, 2 Ferncroft Road, Map 31, Lot 24, standard order of conditions, pine bushes and hydrangea bushes shall be planted along the 25 foot buffer line; seconded by Mr. Ippolito and the motion carried 5-0.

E) Request for Determination of Applicability, Anthony Venuti, 82 Pinta Drive, Map 8, Lot 72

Present was Anthony Venuti of 82 Pinta Drive. Mr. Venuti explained that he has filed a request for determination of applicability to connect to town sewer. The area to be excavated is approximately 85-90 feet from a pipe that flows into the nearby wetlands.

Ms. Linder asked the applicant if he has consulted with the town engineer and Mr. Venuti explained that he has spoken with Mr. Boyd.

Mr. Deackoff noted that he has no issues so long as they stay away from the drainage ditch. Mr. Deackoff suggested not mowing the lawn right up to the ditch to keep the fertilizers, etc. from entering.

MOTION: Mr. Deackoff made the motion for a negative determination, Anthony Venuti, 82 Pinta Drive, Map 8, Lot 72; seconded by Mr. Sheehan and the motion carried 5-0.

Mr. Venuti noted that there is a culvert that flows into the area that comes across Pinta Drive approximately 100 yards from him. In the spring, when there is actual water flow, it turns chocolate brown. Mr. Venuti thinks it is rust from the pipe and noted that he is not sure if this is something the town would like to know about.

F) Extension Request, Poland Ave/Foster Lane, James Sullivan, DEP #305-943

Present was Joe Aliberti and Robert Pondelli. Mr. Aliberti explained that they are partners with James Sullivan and that the property is currently in litigation. There is a Purchase and Sales Agreement with one of the litigants that extends until the completion of the litigation. As a result of this, they are requesting an extension to the order of conditions that was originally issued on February 4, 2013.

Mr. Pondelli requested another 3 years and it was the consensus of the Commission to grant an extension through February 4, 2019.

MOTION: Mr. Ippolito made the motion to extend the order of conditions for Poland Ave/Foster Lane, James Sullivan, DEP #305-943 to February 4, 2019; seconded by Mr. Sheehan and the motion carried 5-0.

G) Notice of Intent, Maplewood Road, Map 54, Lot 2, Map 40, Lot 26, DEP #

Mr. Parker noted that there is no one present for this matter.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Maplewood Road, Map 54, Lot 2, Map 40, Lot 26, DEP #, to January 20, 2016 at 7:11 p.m.; seconded by Mr. Ippolito and the motion carried 5-0.

H) Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997

Mr. Parker noted that there is still no present for this matter and suggested continuing to the next meeting.

MOTION: Ms. Linder made the motion to continue Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997 to January 20, 2016; seconded by Mr. Deackoff and the motion carried 5-0.

New Business

There was no new business.

Old Business

There was no old business.

Adjourn.

MOTION: Mr. Ippolito made the motion to adjourn; seconded by Ms. Linder and the motion carried 5-0.

Approved: 1/20/16

List of documents for 1/6/16 Agenda
Documents can be located at the Community Development Office

Approval of Minutes December 16, 2015

- 7:02 P.M (A) Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60 Lot 39, DEP #305-997
- *Review letter from Bill Manuell dated November 11th, 2015*
 - *Review letter from Kyle Boyd*
 - *Notice of Intent submittal package dated October 15th, 2015*
 - *Site Plans submitted by TEC signed and stamped by Eric Girade dated 10/9/15*
- 7:04 P.M (B) Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP # 305-998
- *Grading, Drainage, and Erosion Control Plan signed and stamped by James E. Hanley revised December 4th, 2015*
 - *Letter from Arnold Martel dated December 9th, 2015*
 - *Drainage report dated December 4th, 2015*
 - *Review letter from Bill Manuell dated November 21, 2015*
 - *Review letter from Kyle Boyd dated November 21, 2015*
 - *OSRD Special Permit Requirements Doc*
 - *Notice of Intent submittal package dated November 2015*
- 7:06 P.M (C) Notice of Intent, Marc Tortorici, 390 Kendall Road, Map 79 Lot 74, DEP #
- *Notice of Intent submittal package dated December 2015 submitted by Norse Environmental*
 - *Conservation Plan dated November 9th, 2015 signed and stamped by James Aho*
- 7:08 P.M (D) Notice of Intent, Joao Tavares, 2 Ferncroft Road, Map 31 Lot 24, DEP # 305-
- *Notice of Intent submittal package submitted by Joao Tavares*
 - *Plans titled Addition to Tavares Residence dated August 7th, 2015*
- 7:10 P.M (E) Request for Determination of Applicability, Anthony Venuti, 82 Pinta Drive, Map 8 Lot 72
- *Request for Determination of Applicability Form*
- 7:11 P.M (F) Extension Request, Poland Ave/Foster Lane, James Sullivan, 305-943
- *Extension request letter from James Sullivan dated December 9th, 2015*
- 7:11 P.M (G) Notice of Intent, Maplewood Road, Map 54 lot 2, Map 40 lot 26, DEP #
- *Letter from DPW Superintendent dated December 3, 2015*
 - *Culvert replacement plans submitted by Joseph Guiliano*
 - *Notice of Intent Package dated September 23, 2015*